

House File 2240 - Enrolled

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HOUSE FILE 2240

AN ACT

RELATING TO COUNTY BOARD OF SUPERVISOR VACANCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 69.14A, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A vacancy on the board of supervisors shall be filled by one of the ~~two~~ following procedures:

Sec. 2. Section 69.14A, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For a vacancy declared by the board pursuant to section 331.214, subsection 2, by special election held to fill the office if the remaining balance of the unexpired term is two and one-half years or more. The committee of county officers designated to fill the vacancy in section 69.8 shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county. The office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the special election shall serve the balance of the unexpired term.

Sec. 3. Section 331.214, Code 2005, is amended to read as follows:

331.214 VACANCY OF SUPERVISOR'S OFFICE.

~~1. In addition to the~~ The circumstances which constitute a vacancy in office under section 69.2, ~~the absence of a supervisor from the county for sixty consecutive days~~ shall be treated as a resignation of the office. At its next meeting after the sixty-day absence, the board, by resolution adopted and included in its minutes, shall declare the absent supervisor's seat vacant.

2. a. If the physical or mental status of a supervisor is in question, the board shall decide whether a vacancy exists. The board shall comply with the notice and hearing requirements of section 69.2, subsection 2. After a hearing, the board, by resolution adopted and included in its minutes, may declare the supervisor's seat vacant if the board determines either of the following:

(1) That the supervisor is physically or mentally incapable of performing the duties of office and there is reasonable cause to believe that the supervisor will not be able to perform the duties of office for the remainder of the supervisor's term. To make this determination, the board shall appoint a physician and the family of the supervisor shall appoint a physician to examine the supervisor. For purposes of this subsection, "family" means the parent, spouse, or child of the supervisor. If the family does not appoint a physician, the board shall appoint two physicians to examine the supervisor. The board shall receive the report of the physicians as evidence at the hearing. The board may only declare the supervisor's seat vacant if both physicians concur that the supervisor is physically or mentally incapable of performing the duties of office and there is reasonable cause to believe that the supervisor will not be able to perform the duties of office for the remainder of the supervisor's term. However, if the physicians concur that the supervisor is mentally incapable of performing the duties of office, the board shall not declare the supervisor's seat vacant for one year from the date of the hearing if the supervisor is receiving treatment for the mental incapacity.

(2) That the supervisor refuses or is unavailable for the examination required in subparagraph (1).

b. A supervisor whose seat is declared vacant under this subsection may appeal the board's decision to the district court.

c. If the board declares a vacancy under this subsection and the remaining balance of the supervisor's unexpired term is two and one-half years or more, a special election shall be

3 4 held to fill the office as provided in section 69.14A.
3 5 subsection 1, paragraph "c".

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CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2240, Eighty-first General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor